

FILED
HARRISBURG, PA

JUN 27 2025

PER  DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Maryann Butler and Petie Davis, Plaintiffs

v.

New American Funding (Broker Solutions, Inc.), Defendant

Civil Action No. 1:25-cv-690-PJC

**EMERGENCY MOTION TO DENY EXTENSION AND REQUEST DEFAULT
SCHEDULING**

NOW COME the Plaintiffs, Maryann Butler and Petie Davis, and respectfully move this Court to deny Defendant's Motion for Extension of Time (ECF No. 24) and to enter a default scheduling order pursuant to Rule 16(b), as Defendant has failed to timely respond to the Verified Complaint, despite repeated notice and multiple court filings.

1. Defendant's Motion for Extension of Time (ECF No. 24) was filed on June 26, 2025, one day before their deadline to respond, with no good cause shown, no affidavit, and no engagement with the claims or evidence already entered into the record.
2. Plaintiffs filed multiple verified and certified court documents beginning with the initial Complaint (ECF No. 1), followed by an Emergency Motion to Expedite Discovery (ECF No. 15) and a Motion for Sanctions (ECF No. 16) that remain unchallenged.
3. Defendant has not responded to the substance of any of Plaintiffs' filings, nor have they rebutted any factual allegations, exhibits, or sworn declarations supporting the claims.
4. Rule 16(b)(2) requires the Court to issue a scheduling order "as soon as practicable," and here, Defendant's failure to participate in good faith has delayed proceedings, prejudiced Plaintiffs, and increased hardship.
5. Plaintiffs respectfully request that the Court:

- Deny ECF No. 24 (Motion to Extend)
- Issue a scheduling order pursuant to Rule 16(b) based on the unchallenged pleadings
- Recognize Defendant's failure to rebut allegations and initiate default procedural safeguards if non-responsiveness continues

Respectfully submitted,

/s/ Petie Davis

Petie Davis, Co-Plaintiff

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Dated: June 27, 2025

VERIFICATION

I, Petie Davis, declare under penalty of perjury that the foregoing Motion is true and correct to the best of my knowledge. The facts and procedural references contained herein are accurate and based on the official court docket and my own personal filings in this case.

/s/ Petie Davis

Dated: June 27, 2025

CERTIFICATE OF SERVICE

I certify that on this 27th day of June, 2025, I served a true and correct copy of the foregoing Emergency Motion to Deny Extension and Request Default Scheduling on all parties via ECF and email:

James McNally, Esq.

Counsel for Defendant

jmcnally@cohenseglia.com

/s/ Petie Davis

Petie Davis
